

California Water Code, including sections 10302 and 10310, and Government Code section 65943.

The Board should be advised that, as a result of ongoing negotiations between Reliant and the Regional Water Board, the Regional Water Board is expected to issue another proposed WDR on or about Friday, September 5, 2008, that conforms to the Renewal Application (the "Replacement WDR"), and is expected to take up consideration of the Replacement WDR at the meeting of the Regional Water Board scheduled for October 2, 2008. Accordingly, while Reliant is not currently requesting a stay, Reliant reserves its rights to request a stay of the General WDR if the Regional Water Board fails to expeditiously issue and approve the Replacement WDR or otherwise fails to expeditiously take appropriate final action on the Renewal Application.

III. DATE OF THE REGIONAL WATER BOARD ACTION

The Regional Water Board's Action was taken on August 8, 2008.

IV. STATEMENT OF WHY THE REGIONAL WATER BOARD ACTION WAS INAPPROPRIATE AND IMPROPER

Reliant is submitting this Petition as a protective filing. As discussed above, Reliant is currently negotiating with the Regional Water Board to correct the Regional Board's error in issuing the General WDR, but Reliant must file this Petition to timely preserve its rights to seek relief from this Board, if necessary. Because this is a protective filing, Reliant reserves its rights to revise, amend and/or supplement this Petition in the event it becomes necessary to proceed before this Board. Reliant requests that this Petition be held in abeyance while the negotiations with the Regional Water Board run their course.

The August 8, 2008 action of the Regional Water Board was inappropriate and improper because, prior to issuing the General WDR, the Board failed to follow required administrative procedures arising from Reliant's timely and proper submission of the Renewal Application on February 7, 2008, and exacerbated that error by also not following mandated procedure after the replacement copy of the Renewal Application was provided to the Board on June 23, 2008. Faced with the looming July 21, 2008 expiration date of the 2003 WDR for the Facility, the Regional Water Board inappropriately and improperly issued the General WDR in lieu of renewing the 2003 WDR, without consulting Reliant, without public notice and without conducting any proceedings of any type before the Regional Water Board.

V. THE MANNER IN WHICH RELIANT IS AGGRIEVED

Since July 1, 2003, Reliant has operated the Facility pursuant to the terms and condition set forth in the 2003 WDR. The sewage treatment system at the Facility was designed and constructed to specifically meet the terms and conditions of the 2003 WDR, at an investment of over \$450,000. The system was designed, with input from and prior approval of the Regional Water Board, to address discharge and compliance issues associated with groundwater conditions in the area of the Facility, including brackish water. The terms and conditions of the 2003 WDR are appropriately protective of health and the environment, have been reviewed and approved by the Regional Water Board, and there has never been any indication that the Regional Water Board considered the WDR terms and conditions to be inappropriate. Reliant is able to comply with the terms and condition of the 2003 WDR, and anticipates being able to comply with the terms of a WDR that conforms to the Renewal Application.

The Regional Water Board stated in the August 8, 2008 cover letter for the General WDR that "Regional Board staff . . . have determined that the [Facility's] proposed discharge meets the conditions specified in" the General WDR. See **Exhibit 1** at p. 2. To the contrary, however, the sewage treatment system at the Facility as currently configured can not comply with the General WDR, and Reliant would have so informed the Regional Water Board had the opportunity for such input been properly provided. Specifically, Reliant is unable to comply with the General WDR for at least the following reasons:

1. The General WDR permit addresses discharge receiving waters for possible reuse as drinking water. In contrast, the 2003 WDR appropriately addressed Ocean MDLs. The Ocean standards are appropriate for the Facility, the residential standards are not. The Facility is located on the dunes directly off of the Pacific Ocean. The groundwater in this location is brackish and cannot be used for drinking water. The General WDR's TN standards of 10 mg/L and fecal Coliform/enterococcus of <1.1 mpn are for drinking water standards and should not apply at this location; and

2. Groundwater monitoring wells are not appropriate for use in compliance sampling. Nearby agricultural facilities located upstream of the Facility introduce excessive nutrients and other contaminants into the shallow groundwater area surrounding the

Facility. Sampling of groundwater would not reflect the true impact of wastewater being dispersed from the Facility.

In order to comply with the General WDR, Reliant would be required to undertake the time-consuming and expensive efforts to have contractors design, procure and install a nitrification system, among other unanticipated changes to equipment, practices and procedures. These efforts would cost hundreds of thousands of dollars, would take several months if not a year or more to complete, and would likely be subject to a Time Schedule Order ("TSO"), such as the one-year TSO which accompanied the 2003 WDR, see **Exhibit 1** at p. 1.

Reliant had no reason to anticipate that changes to the configuration of its less than five-year-old sewage treatment system would be required when it filed the Renewal Application, and had no opportunity to present its position to the Regional Water Board, much less to prepare for compliance with the General WDR. Moreover, in order to avoid violation of the General WDR, Reliant has suspended discharge of its treated sewage and is sending the sewage offsite for treatment and disposal, at significant and unanticipated cost. Reliant estimates that it would cost as much as \$30,000 to continue sending its wastes offsite in the period of time it will take the Regional Water Board to consider the Renewal Application and issue an appropriate final WDR.

VI. SPECIFIC ACTION REQUESTED BY RELIANT

Reliant requests that this Board direct the Regional Water Board to issue a WDR for the Facility that conforms to the Renewal Application.

VII. STATEMENT OF POINTS AND AUTHORITIES IN SUPPORT OF REQUEST FOR STAY AND PETITION

The contested action of the Regional Water Board in issuing the General WDR without in any manner complying with the procedural requirements imposed by the California Water Code, including sections 10302 and 10310, and Government Code section 65943, was arbitrary and capricious, indisputably prejudicial to Reliant, and, as a consequence, the action is void. See, e.g., *Sierra Club v. State Bd. of Forestry*, 7 Cal.4th 1215, 876 P.2d 505 (Cal. 1994).

VIII. LIST OF INTERESTED PARTIES

Reliant is unaware of any interested parties.

IX. STATEMENT THAT COPIES OF THIS PETITION HAVE BEEN SENT TO THE REGIONAL WATER BOARD

Copies of this Petition have been served on the Los Angeles Regional Water Quality Control Board, see attached certificate of service.

X. STATEMENT AS TO WHETHER ISSUES RAISED IN THIS PETITION WERE PRESENTED TO THE REGIONAL WATER BOARD PRIOR TO REGIONAL BOARD ACTION

For the reasons explained above, the Regional Water Board prevented Reliant from presenting the issues raised in this Petition prior to the Regional Water Board's inappropriate and improper action.

XI. REQUEST FOR HEARING


Reliant is not requesting an immediate hearing, but reserves the right to do so if the ongoing negotiations with the Regional Water Board are not successful.

XII. STATEMENT OF ADDITIONAL EVIDENCE

Reliant reserves the right to present additional evidence at any hearing on this Petition. Such evidence will include, but will not be limited to, factual and expert evidence to support Reliant's contentions regarding its inability to comply with specific terms and conditions of the General WDR, and also regarding the time and expense required to redesign and reconfigure the sewage treatment system at the Facility.

Dated: September 4, 2008

Respectfully Submitted,



Peter H. Weiner
Attorney for Petitioner

PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in San Francisco County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 55 Second Street, Twenty-Fourth Floor, San Francisco, California 94105-3441. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. On September 5, 2008, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

PETITION FOR REVIEW AND REQUEST FOR HEARING

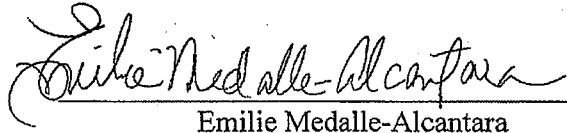
in a sealed envelope, postage fully paid, addressed as follows:

Jeannette L. Bashaw
Legal Analyst
State Water Resources Control Board
Office of Chief Counsel
1001 I Street, 22nd Floor
Sacramento, CA 95814

Following ordinary business practices, the envelope was sealed and placed for collection and mailing on this date, and would, in the ordinary course of business, be deposited with the United States Postal Service on this date.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on September 5, 2008, at San Francisco, California.



Emilie Medalle-Alcantara

STATE OF CALIFORNIA
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION

ORDER No. 01-031

GENERAL WASTE DISCHARGE REQUIREMENTS
FOR
SMALL COMMERCIAL AND MULTIFAMILY RESIDENTIAL
SUBSURFACE SEWAGE DISPOSAL SYSTEMS

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board), finds:

1. The California Water Code (CWC) section 13260(a)(1) requires that any person discharging wastes, or proposing to discharge wastes other than into a community wastewater collection system, which could affect the quality of the waters of the State, shall file a Report of Waste Discharge with the Regional Water Quality Control Board. The Regional Board shall then prescribe requirements for the discharge or proposed discharge of wastes.
2. The California Water Code, section 13263(i), provides that a Regional Board may prescribe general waste discharge requirements for discharges produced by similar operations, involving similar types of waste, and requiring similar treatment standards.
3. The Regional Board adopted a Revised Water Quality Control Plan (Basin Plan) for the Los Angeles Region on June 13, 1994. The Water Quality Control Plan designates beneficial uses and establishes water quality objectives for groundwater and surface water within the Los Angeles Region. Existing beneficial uses designated for groundwater and surface water include, among others: municipal supply, industrial service supply, industrial process supply, fresh water replenishment, aquaculture, wildlife habitat, and agricultural supply. To the extent that the Basin Plan designates additional or different beneficial uses, the Basin Plan shall control.
4. Discharges from small (less than 20,000 gallons per day) commercial and multifamily sewage disposal systems infiltrate groundwater. The effluent from small commercial and multifamily sewage disposal systems is considered a discharge of waste that could affect the quality of waters of the State. Any surfacing of treated or untreated waste poses a serious threat to public health and beneficial uses of groundwater, near-shore waters, and contiguous beaches. Discharges of greater than 20,000 gallons will normally be required to obtain individual waste discharge requirements from the Regional Board.

5. Discharges to land from small domestic small commercial and multifamily sewage disposal systems have certain common characteristics, such as similar constituents, concentrations of constituents, disposal techniques, flow ranges and they require the same or similar treatment standards. These types of discharges are more appropriately regulated under general Waste Discharge Requirements (general WDRs).
6. These general WDRs apply to discharges throughout the entire Los Angeles Region (Los Angeles and Ventura County), however, the Regional Board has determined that groundwater underlying small commercial and multifamily sewage disposal systems in areas of shallow groundwater and coastal regions has been shown to be in hydraulic connection with nearby surface waters and that groundwater and surface water contamination in areas of shallow groundwater and coastal regions has been attributed to discharges from septic systems. Therefore, these WDRs include considerations specifically addressing areas of shallow groundwater and coastal areas.
7. Since this effluent is considered a discharge of waste that could affect the quality of waters of the State, a discharger would ordinarily be required to file a Report of Waste Discharge and the Regional Board would then prescribe requirements for the discharge of wastes. However, under the California Water Code, section 13269, the Regional Board may waive requirements to file a Report of Waste Discharge, provided that such a waiver is not against the public interest. In the 1950s, the Regional Board's predecessor agency granted such waivers for residential septic systems in 45 local agencies in the Region, including the County of Los Angeles. However, these waivers do not formally cover several local agencies that are actively permitting septic systems.
8. If Waste Discharge Requirements were issued to each small commercial and multifamily residential septic system on an individual basis, it would be a very lengthy process. Due to limited Regional Board resources, a streamlined expansion of a permitting program is necessary. The adoption of these general Waste Discharge Requirements for discharges from small commercial and multifamily sewage disposal systems would:
 - (a) Simplify and expedite the application process for the Discharger;
 - (b) Increase efficiency of Regional Board staff; and
 - (c) Reduce Regional Board time expended on preparing and considering individual Waste Discharge Requirements.

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9. Only small commercial and multifamily sewage disposal systems with a maximum daily flow of 20,000 gallons or less that discharge to land are eligible for coverage under these general WDRs. Single family residences with small domestic systems, for purposes of these general WDR's, are specifically excluded. It remains the discretion of the Regional Board to require WDRs for discharges from single family residences when necessary to protect water quality.
10. This Order establishes minimum standards only for small domestic systems. The discharger must comply with any more stringent standards in the applicable Basin Plan. In the event of a conflict between the provisions of this Order and the Basin Plan, the more stringent provision prevails.
11. By enrolling small commercial and multifamily sewage disposal systems under Waste Discharge Requirements, the Regional Board can also issue Monitoring and Reporting Programs that require dischargers to monitor their effluent, groundwater that may be affected by the discharge, and, in some cases, nearby surface waters that may be affected by the discharge. The results of the monitoring will be reported to the Regional Board. The Regional Board expects that this monitoring will assist in the delineation of impacts of effluent from small commercial and multifamily sewage disposal systems on groundwater and surface water.
12. The majority of the small commercial and multifamily sewage disposal systems in the Los Angeles Region do not currently have Waste Discharge Requirements, nor do they have corresponding Monitoring and Reporting Programs. Small commercial and multifamily sewage disposal systems (septic systems, for example) typically provide only primary treatment to wastewater before it is discharged to groundwater through a seepage pit or leachfield disposal system. The effluent from these systems is not monitored, and, as a result, the effluent quality is generally not known.
13. These general Waste Discharge Requirements (for the discharge of commercial and residential wastes to small commercial and multifamily sewage disposal systems), would benefit the public, the staff and the Regional Board by accelerating the review process without loss of regulatory jurisdiction and oversight.
14. All requirements contained in this Order, as they are met, will be in conformance with the goals of the Basin Plan.
15. These general Waste Discharge Requirements are not intended to alter or supersede existing restrictions or conditions imposed by other government agencies on the project.

16. Dischargers seeking coverage under these general WDRs shall file: (1) a standard application for WDRs (Report of Waste Discharge), a Form 200, or an equivalent document; and (2) a first annual fee of \$200 (corresponding to the appropriate Threat to Water Quality and Complexity of 3(C) in the fee schedule listed in section 2200 of title 23, California Code of Regulations (CCR)). In addition to information required by Form 200 and the RoWD, the application must include:
 - (a) A list of all property owners, including current mailing addresses, within 1,500 feet of the adjacent parcels owned by the same applicant, or contiguous to the property line (rural) and 500 feet of the property line (urban);
 - (b) Documentation that Discharger has notified all property owners identified in (a) above, of their intent to seek enrollment under the general WDRs and that all property owners identified in (a) above shall have 30 days to provide comments, in writing, to the Regional Board Executive Officer.
 - (c) Documentation that the local lead agency has satisfied the requirements of the California Environmental Quality Act (Chapter 3, Division 13, Public Resources Code); and
 - (d) An acceptable hydrogeologic report or a statement to waive a hydrogeologic report.
17. Upon review by the Executive Officer, a determination will be made as to whether or not coverage under these general WDRs is appropriate. A letter from the Regional Board's Executive Officer shall notify the discharger when coverage under these general WDRs has begun.
18. Although a discharge may be eligible for coverage under this general WDR, the Executive Officer may determine that the discharge would be better regulated under an individual WDR, under another general WDR, or under a National Pollutant Discharge Elimination System (NPDES) permit for discharges to surface waters. If a discharge is located in an environmentally sensitive area or within 100 feet of any stream, channel, or other watercourse or waterbody, or in an area where groundwater is less than 20 feet below grade, the Executive Officer must, within 120 days after submission of a complete RoWD, consider if an individual permit is necessary in lieu of the general WDRs and is more appropriate in the interest of water quality. If a discharge is regulated under an individual or general WDR, or a waiver, or under an NPDES permit, the

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applicability of this general WDR to the discharge is immediately terminated on the effective date of the WDR.

19. This general WDR is intended to cover both new and existing small domestic systems. The adoption of WDRs for existing small domestic systems is exempt from the California Environmental Quality Act (CEQA) under CCR, Title 14, Section 15261 or Section 15301 as ongoing or existing projects.
20. The State Water Resources Control Board (SWRCB) has adopted a Mitigated Negative Declaration in compliance with CEQA for new small domestic systems in connection with the adoption of Order No. 97-10 DWQ. The potential significant environmental impacts from discharges from new small wastewater treatment systems can be mitigated to a level of insignificance by compliance with this Order.
21. Pursuant to Section 13263 of the CWC, the Regional Board, in establishing the requirements contained herein, considered factors including, but not limited to, the following:
 - (a) Past, present, and probable future beneficial uses of water;
 - (b) Environmental characteristics of the hydrographic unit under consideration including the quality of water available thereto;
 - (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area;
 - (d) Economic considerations;
 - (e) The need for developing housing within the Region; and
 - (f) The need to develop and use recycled water.
22. These WDRs are exempt from chapter 15 requirements pursuant to CCR, title 23, chapter 15, section 2511(a).
23. This Order does not preempt or supersede the authority of municipalities, flood control agencies, or other local agencies to prohibit, restrict, or control discharges of waste subject to their jurisdiction.

The Regional Board has notified interested agencies and persons of its intent to prescribe Waste Discharge Requirements as described in this Order, and has provided them with an opportunity to submit their written views and recommendations for the tentative requirements.

The Regional Board, in a public meeting, heard and considered all comments pertaining to the dischargers to be regulated under this Order and to the tentative requirements.

IT IS HEREBY ORDERED THAT: in order to meet the provisions contained in Division 7 of the CWC and regulations adopted thereunder, dischargers of small commercial and multifamily sewage disposal systems, with a maximum average daily flow not to exceed 20,000 gallons, that discharge to land and meet all conditions of applicability, shall comply with the following:

A. ELIGIBILITY:

1. Existing and future discharges of treated wastewater to subsurface sewage disposal systems.
2. To be covered under this Order, discharges must meet the following criteria:
 - a. Pollutant concentrations in the discharge shall not cause nor contribute to violation of any applicable water quality objective for the receiving waters, including discharge prohibitions:
 - b. The discharge shall not cause nor contribute to acute or chronic toxicity in receiving waters: and
 - c. The discharge shall pass through an appropriate treatment system to meet the requirements of the Order.
3. For the purpose of renewal of existing individual permits with this general permit, provided that all the conditions of this general permit are met, renewal is effective upon issuance of a notification by the Executive Officer and issuance of a new monitoring program.
4. When an individual permit with more specific requirements is issued to a discharger, the applicability of this Order to that discharger is automatically terminated on the effective date of the individual permit.

B. AUTHORIZATION:

1. To be authorized under this Order, the discharger must submit, to the Regional Board, a Report of Waste Discharge and a completed Form 200. Upon receipt of the application, the Executive Officer shall determine the applicability of Order to such a discharge. If the discharge is eligible, the Executive Officer shall notify the discharger that the discharge is authorized under the terms and conditions of this Order and prescribe an appropriate monitoring and reporting program. For

new discharges, the discharge shall not commence until receipt of the Executive Officer's written determination.

C. RESPONSIBILITY:

1. For existing small commercial and multifamily sewage disposal systems, an entity or agency (hereinafter called the Discharger) must accept permanent responsibility for the Waste Discharge Requirements and the Monitoring and Reporting Program for the small commercial and multifamily sewage disposal systems. In the case of a commercial development, this entity or agency must be the property owner. In the case of a multifamily residential development, this entity or agency must be the homeowners' association, the condominium owners' association, or the property owner. The Discharger must comply with all conditions of these Waste Discharge Requirements.
2. For future commercial or multifamily residential developments, the applicant (Developer) is responsible for compliance with this Order up to the time that a written agreement between the applicant and the Discharger becomes effective. The applicant shall provide a copy of the transfer agreement to the Regional Board 30 days before its effective date. Violations may result in enforcement actions, including Regional Board Order or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of Waste Discharge Requirements by the Regional Board.
3. The Discharger must notify the Executive Officer, in writing, at least 30 days in advance of any proposed transfer of this Order's responsibility and coverage to a new Discharger. The notice must include a written agreement between the existing and new Discharger containing a specific date for the transfer of responsibility under this Order and compliance between the current Discharger and the new Discharger. Such agreement shall include an acknowledgment that the existing Discharger is liable for violations up to the transfer date and that the new Discharger is liable on and after the transfer date (CWC section 13267 and 13263).

D. INFLUENT LIMITATIONS:

1. Wastes discharged into the wastewater treatment and disposal system shall be limited to commercial and multifamily residential wastewater only; no industrial wastes¹ shall be discharged into the septic system.
2. The maximum daily flow of influent from the collection system shall not exceed 20,000 gallons per day. This flow limitation also applies to effluent discharged to the disposal system (seepage pits/leachfields).

¹ For the purposes of this General WDR, industrial wastes are defined as any unwanted materials from an industrial operation.

E. RECEIVING WATER LIMITATIONS:

1. Receiving water, for the purpose of the general WDRs, shall be defined as groundwater at a point no greater than fifty (50) feet hydraulically downgradient of the furthestmost extent of the disposal area, or the property line of the Discharger, whichever is less. Compliance with receiving water limitations shall be determined using a minimum of three (3) appropriately located groundwater monitoring wells. The number, location and construction details of all monitoring wells are subject to approval of the Executive Officer. Disposal systems in close proximity to each other may, in order to reduce monitoring costs and complexity, and at the Executive Officers discretion, propose a joint receiving water monitoring program.
2. The pH in the receiving water shall at all times be between 6.5 to 8.5 pH units.
3. The receiving water shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Units</u>	<u>Maximum</u>
TDS	mg/L	(a)
Sulfate	mg/L	(a)
Chloride	mg/L	(a)
Boron	mg/L	(a)
Total Nitrogen (b)	mg/L	10
Nitrate-nitrogen (b)	mg/L	10
Nitrite-nitrogen (b)	mg/L	1
Total Coliform	MPN/100mL	<1.1(c)
Fecal Coliform	MPN/100mL	<1.1(c)
Enterococcus	MPN/100mL	<1.1(c)

- (a) Limits shall be based on the groundwater basin objectives and/or beneficial uses listed in Attachment A. In the letter of determination the Executive Officer shall indicate the Basin Plan limitations in Attachments A and B that are applicable to the particular discharge.
 - (b) Total nitrogen includes ammonia-n, organic nitrogen, nitrite-n and nitrate-n.
 - (c) Prior to disposal in areas of shallow groundwater and coastal regions where a minimum of ten (10) feet of vertical separation cannot be maintained between the bottom of the disposal system and the historic high or anticipated high groundwater level and only in areas where the Executive Officer has determined that wastes will not deleteriously affect an aquifer that is suitable for domestic purposes, effluent shall be disinfected to levels consistent with the beneficial uses of groundwater and the nearest surface water body.
4. Wastewater discharged to the seepage pits/leachfields shall not result in concentrations of salts, heavy metals, or organic pollutants from being present in the receiving water at levels that would impact the designated beneficial uses of groundwater or, in the event that groundwater is in hydraulic connection with surface waters, the designated beneficial uses of surface water.

5. The disposal of wastes shall not impart tastes, odors, color, foaming, or other objectionable characteristics to the receiving water.
6. Any wastes that do not meet the foregoing requirements shall be held in impervious containers and discharged at a legal point of disposal.

F. PROHIBITIONS:

1. Any additional hookups to the small commercial and multifamily sewage disposal systems system without prior written approval from the Regional Board Executive Officer are prohibited.
2. The surfacing or overflow of sewage from the wastewater treatment and disposal system at any time and at any location and the direct or indirect discharge of wastes to waters of the State (including storm drains, groundwater or surface water drainage courses) is prohibited.
3. Installation or construction of any part of the small commercial and multifamily sewage disposal systems within 150 feet of any water well is prohibited.
4. New installation or construction, from and after the effective date of this Order, of any part of the small commercial and multifamily sewage disposal system within 100 feet of any stream, channel, or other watercourse, or water body, is prohibited.
5. No part of the wastewater treatment and disposal system shall extend to a depth where wastes may deleteriously affect an aquifer that is usable for domestic purposes. In no case may the seepage pit or leach field extend to within 10 feet of the zone of historic or anticipated high ground water level. The Discharger must submit certification that the seepage pits or leach fields meet this requirement. In areas of shallow groundwater and coastal areas where a minimum of 10 feet of vertical separation between the bottom of the disposal system and the historic or anticipated high ground water level cannot be maintained and the Executive Officer has determined that wastes will not deleteriously affect an aquifer that is usable for domestic purposes, the Executive Officer may, at his discretion, allow the installation and operation of a wastewater treatment and disposal system, provided that the effluent receives additional treatment to include, at a minimum, disinfection to limits specified in Section E.
6. Under no circumstances shall there be a groundwater separation of less than five feet.
7. The disposal of wastes in geologically unstable areas or so as to cause earth movement is prohibited.

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8. The onsite disposal of sludge is prohibited.
9. Any offsite disposal of sewage or sludge other than to a legal point of disposal is prohibited. For purposes of this Order, a legal disposal site is one for which requirements have been established by a Regional Water Quality Control Board, and which is in full compliance therewith. Any sewage or sludge handling shall be in such a manner as to prevent its reaching surface water or watercourses.
10. The discharge of wastes containing any substance in concentration toxic to human, animal, plant, or aquatic life is prohibited.
11. Bypass or overflow of treated or untreated waste is prohibited.
12. The discharge of waste to land not owned or controlled by the Discharger is prohibited.
13. The discharge of wastes from small domestic systems which is not authorized by this general WDR or other Order or waiver by the Regional Board is prohibited.

G. REQUIREMENTS:

1. The siting, design, construction, operation, maintenance and monitoring of all wastewater treatment and disposal systems covered by these WDRs must comply with all of the applicable provisions of the Basin Plan.
2. The wastewater treatment and disposal systems shall be protected from damage by storm flows or runoff generated by a 100-year storm. Adequate facilities shall be provided to divert surface and storm water away from the wastewater treatment plant, seepage pits, and areas where any potential pollutants are stored.
3. The discharger shall not discharge waste in excess of the maximum design and disposal capacity of the small domestic system.
4. Odors of sewage origin shall not be detectable.
5. Septic tank cleanings shall be performed only by a duly authorized service.
6. The discharger shall maintain logs of all septic tank cleanings for a period of no less than five years. At a minimum the logs shall include the date of the cleaning, and the name, address, phone number, and license number (if applicable) of the cleaner.
7. Dischargers who accept wastes from RVs or other mobile waste systems must ensure that such wastes (with constituents including, but not limited to,

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formaldehyde, zinc, and phenol) do not deleteriously affect the septic system or impact the ground water.

8. The discharger shall ensure that the contents of the treatment systems are disposed of in accordance with all applicable laws and ordinances.
9. The subsurface wastewater disposal system(s) shall be maintained so that at no time will sewage surface at any location.
10. No part of the disposal system(s) shall extend to a depth where waste may pollute groundwater.
11. A monitoring program for groundwater shall be established to determine if discharges from the disposal system have impacted or are impacting water quality.

H. PROVISIONS:

1. The discharger must comply with all conditions of these waste discharge requirements. A responsible party has been designated in the Order for this project, and is legally bound to maintain the monitoring program and permit. Violations may result in enforcement actions including Regional Board orders or court orders requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board (CWC section 13261, 13263, 13265, 13268, 13300, 13301, 13304, 13340, 13350).
2. Neither the treatment nor the discharge of waste shall create a condition of pollution, contamination or nuisance, as defined by section 13050 of the CWC (H&SC section 5411, CWC section 13263).
3. This Order does not relieve the discharger from responsibility to obtain other necessary local, State, and Federal permits to construct facilities necessary for compliance with this Order, nor does this Order prevent imposition of additional standards, requirements, or conditions by any other regulatory agency.
4. The discharger shall immediately remove any wastes that are discharged at the site regulated by this Order in violation of these requirements.
5. Within six months after a community wastewater collection (sewer) system becomes available, each commercial and multifamily residential development shall connect to the community sewer system and properly close the septic system(s).
6. A copy of these waste discharge requirements shall be maintained at the discharge facility and be available at all times to operating personnel (CWC section 13263).

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7. The Discharger shall maintain, for inspection by Regional Board staff, the as-built construction and operation details of the wastewater treatment and disposal system.
8. In an enforcement action, it shall not be a defense for the Discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the septic system, the Discharger shall, to the extent necessary to maintain compliance with this Order, control all discharges until the system is restored or an alternative method of treatment is provided.
9. The Discharger is responsible for the actions of all tenants and employees of the regulated facility with regards to compliance with this Order and should develop and provide them with a pollution prevention plan in order to minimize pollutant discharges to the wastewater treatment and disposal system. The pollution prevention plan should include the following topics:
 - (a) Proper disposal of materials handled at the regulated facility;
 - (b) Methods to wash tools and other objects so that no contaminants are introduced into the septic system; and
 - (c) Methods to wash hands so that no contaminants are introduced into the septic system.
10. A spill response plan shall be developed and kept on site by the Discharger. The spill response plan shall detail all appropriate actions to be taken in order to protect human health and the environment in case of any spill related to the operation of the treatment and disposal system.
11. The Discharger shall provide safeguards to the wastewater treatment and disposal system in a manner such that, in the event of an electric power failure, the Discharger shall comply with the terms and conditions of its Order.
12. New small commercial and multifamily sewage disposal systems shall reserve sufficient land area for possible - future 100 percent replacement of the subsurface disposal area until such time as the discharger's facility is connected to a municipal sewerage system.
13. Where the discharger becomes aware that it failed to submit any relevant facts in a Report of Waste Discharge or submitted incorrect information in a Report of Waste Discharge or in any report to the Regional Board, it shall promptly submit such facts or information (CWC sections 13260 and 13267).

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Order No. 01-031

14. The filing of a request by the discharger for an Order modification, revocation and issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any condition of this Order.
15. The discharger shall furnish, within a reasonable time, any information the Regional Board or the SWRCB may request to determine whether cause exists for modifying, revoking and reissuing, or terminating the discharger's coverage under this Order. The Discharger shall also furnish to the Regional Board or the SWRCB, upon request, copies of records required to be kept by this Order.
16. Prior to any modifications in the discharger's facility which would result in a material change in the quality or quantity of wastewater treated or discharged, or any material change in the location of discharge, the discharger shall report all pertinent information in writing to the RWQCB and obtain confirmation that such modifications do not disqualify the discharger from coverage under these general WDRs. Either confirmation or new WDRs must be obtained before any modifications are implemented.
17. After notice and opportunity for a hearing, coverage of an individual discharge under this Order may be terminated or modified for cause, including but not limited to the following:
 - (a) Violation of any term or condition contained in this Order;
 - (b) Obtaining this Order by misrepresentation or failure to disclose all relevant facts; or
 - (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the authorized discharge.
18. These waste discharge requirements are subject to review and revision by the Regional Board (CCR section 13263).
19. These waste discharge requirements contained in this Order will remain in effect for a period of ten (10) years after receipt of the Regional Board Executive Officer's written determination of applicability. Should the Discharger wish to continue discharging to groundwater under the terms and conditions contained in this Order for a period of time in excess of ten (10) years, the Discharger must file an updated Report of Waste Discharge with this Regional Board, no later than 120 days in advance of the expiration date of the Order, for consideration of issuance of new or revised waste discharge requirements. Any discharge of waste ten (10) years after the date of enrollment, without obtaining new Waste Discharge Requirements from the Regional Board is a violation of provisions of CWC section 13264. The Regional Board is authorized to take appropriate enforcement

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action for any noncompliance with this provision including assessment of penalties.

20. This Order does not convey any property rights of any sort or any exclusive privileges. The requirements prescribed herein do not authorize the commission of any act causing injury to persons or property, do not protect the discharger from his liability under Federal, State or local laws, nor do they create a vested right for the discharger to continue the waste discharge (CWC section 13263(g)).
21. Provisions of these waste discharge requirements are severable. If any provision of these requirements are found invalid, the remainder of these requirements shall not be affected (CWC section 921).
22. The discharger shall, at all times, properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the discharger to achieve compliance with conditions of this Order. Proper operation and maintenance includes effluent performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of this Order (CWC section 13263(f)).
23. All regulated disposal systems shall be readily accessible for sampling and inspection.
24. The discharger shall allow the Regional Board, or an authorized representative upon the presentation of credentials and other documents as may be required by law, to:
 - (a) Enter upon the discharger's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this Order;
 - (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Order;
 - (c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Order; and
 - (d) Sample or monitor at reasonable times, for the purposes of assuring compliance with this Order, or as otherwise authorized by the California Water Code, any substances or parameters at any location (CWC section 13267).

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25. The discharger shall furnish, under penalty of perjury, technical monitoring program reports; such reports shall be submitted in accordance with specifications prepared by the Executive Officer, which specifications are subject to periodic revisions as may be warranted (CWC section 13267).
26. All monitoring instruments and devices used by the discharger to fulfill the prescribed monitoring program shall be properly maintained and calibrated as necessary to ensure their continued accuracy. All flow measurement devices shall be calibrated at least once per year, or more frequently, to ensure continued accuracy of the devices. Annually, the discharger shall submit to the Executive Officer a written statement, signed by a registered professional engineer, certifying that all flow measurement devices have been calibrated and will reliably achieve the accuracy required.
27. In an enforcement action, it shall not be a defense for the discharger that it would have been necessary to halt or to reduce the permitted activity in order to maintain compliance with this Order. Upon reduction, loss, or failure of the treatment facility, the discharger shall, to the extent necessary to maintain compliance with this Order, control production or all discharges, or both, until the facility is restored or an alternative method of treatment is provided. This provision applies, for example, when the primary source of power of the treatment facility fails, is reduced, or is lost (CWC section 132630).
28. The discharger shall report any noncompliance which may endanger health or the environment. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the discharger becomes aware of the circumstances. A written submission shall also be provided within five days of the time that the discharger becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue, steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance, whether the spill response plan was implemented and an initial assessment of the noncompliance on human health and the environment. The Executive officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours. The following occurrence(s) must be reported to the Executive Officer within 24 hours:
 - (a) Any bypass from any portion of the wastewater treatment system;
 - (b) Any discharge of treated or untreated wastewater resulting from sewer line breaks, obstruction, surcharge or any other circumstances; and
 - (c) Any wastewater treatment system upset which causes any limitation in this Order to be exceeded (CWC sections 13263 and 132673).

29. The discharger shall retain records of all monitoring information including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Order, and records of all data used to complete the application for this Order. Records shall be maintained for a minimum of three years from the date of the sample, measurement, report, or application. This period may be extended during the course of any unresolved litigation regarding this discharge or when requested by the Regional Board Executive Officer.

Records of monitoring information shall include:

- (a) The date, exact place, and time of sampling or measurements;
 - (b) The individual(s) who performed the sampling or measurements;
 - (c) The date(s) analyses were performed;
 - (d) The individual(s) who performed the analyses;
 - (e) The analytical techniques or method used; and
 - (f) The results of such analyses.
30. All application reports or information to be submitted to the Executive Officer shall be signed and certified as follows:
- (a) For a corporation -- by a principal executive officer or at least the level of vice-president;
 - (b) For a partnership or sole proprietorship -- by a general partner or the proprietor, respectively; and
 - (c) For a municipality, State, Federal, or other public agency -- by either a principal executive officer or ranking elected official.
31. A duly authorized representative of the person designated above may sign documents if:
- (a) The person described above makes the authorization in writing described above;
 - (b) The authorization specifies an individual or person having responsibility for the overall operation of the regulated disposal system; and

- (c) The written authorization is submitted to the Executive Officer.

These records and reports are public documents and shall be made available for inspection during normal business hours at the office of the California Regional Water Quality Control Board, Los Angeles Region.

I. MONITORING AND REPORTING REQUIREMENTS:

The Executive Officer is hereby authorized to use his or her discretion to prescribe a Monitoring and Reporting Program for each authorized discharger. The program may include participation of the Discharger in a regional monitoring program.

Monitoring:

1. The Discharger shall establish a groundwater monitoring program so that the groundwater downgradient from discharge areas can be measured, sampled, and analyzed to determine if discharges from the disposal system impact water quality. In addition, the Discharger must complete a study to determine the degree of the hydraulic connection between the disposal system and surface water should the treatment and disposal system be located within 500 feet of a surface water body, or at the discretion of the Executive Officer.
2. Should monitoring data indicate impacts to groundwater or surface water, the Discharger shall submit, within 90 days after determination of the problem, plans for measures that will be taken, or have been taken, to mitigate any long-term effects that result from the subsurface disposal of wastes. Any water quality impact to surface and groundwater such as, but not limited to, risks to human health from pathogens, and accelerated eutrophication of surface waters from nutrients in wastewater shall be reported.

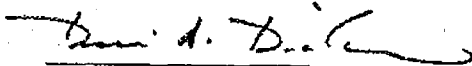
Reporting:

1. The Monitoring and Reporting program may require submittal of monthly, quarterly, or annual monitoring reports, among others, to the Regional Board. Monthly monitoring reports shall be submitted to the Regional Board by the 15th day of the following month. Quarterly reports shall be submitted by January 15, April 15, July 15, and October 15 of each year. Annual reports shall be submitted by January 30 of the following year.
2. The annual monitoring report shall contain both tabular and graphical summaries of the monitoring data obtained during the previous year. In addition, the Discharger shall discuss the compliance record and the corrective actions taken or planned that may be needed to bring the discharge into full compliance with the general WDRs.

3. In reporting the monitoring data, the discharger shall arrange the data in tabular form so that the date, the constituents, and the concentrations are readily discernible. The data shall be summarized in such a manner to illustrate clearly whether the discharge complies with WDRs. The average daily flow shall be calculated using the arithmetic mean of the monthly values obtained throughout the reporting period.
4. The results of any monitoring done more frequently than required at the location and/or times specified in the Monitoring and Reporting Program shall be reported to the Regional Board. The results of such monitoring shall be included in the calculation and reporting of the values required in the discharge monitoring report form. Such increased frequency shall be indicated on the discharge monitoring report form.
5. Summaries of all performed maintenance and inspection activities and all instances of noncompliance with the WDRs shall be reported with the monitoring reports as required.
6. The discharger shall implement the above monitoring program on the first day of the month following the effective date of coverage under these general WDRs.

CERTIFICATION

I, Dennis A. Dickerson, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the California Regional Water Quality Control Board, Los Angeles Region on February 22, 2001.



Dennis A. Dickerson
Executive Officer